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10/798,193

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Christopher Tzann-en Szeto

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EXAMINER

STORK, KYLE R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/798,193

Applicant(s)SZETO, CHRISTOPHER TZANN-
EN**Examiner**

KYLE R. STORK

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84, 102, 103 and 113-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 44-69, 71-84, 102, 103 and 113-116 is/are rejected.
- 7) ☒ Claim(s) 43 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6.9.04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the election filed 13 March 2008.
2. Claims 1-84, 102-103, and 113-116 are elected without traverse. Claims 85-101 and 112-115 are withdrawn from consideration for being directed toward non-elected subject matter.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9 June 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The examiner accepts the drawings filed 11 March 2004.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 102 is rejected under 35 U.S.C. 102(e) as being anticipated by Werndorfer et al. (US 2004/0024822, filed 1 August 2002, hereafter Werndorfer).

As per independent claim 102, Werndorfer discloses an enhanced icon comprising:

user perceptible content (paragraphs 0082-0084);
an enhanced icon caption (paragraph 0087); and
context menu items related to the user perceptible content (paragraph 0087).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-10, 12-17, 19-20, 22-32, 40-41, 44-55, 66-68, 71-82, 103, and 113-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer.

As per independent claim 1, Werndorfer discloses a method for providing a media item for enhancing user interaction with a messaging program comprising the steps of:

providing access to a selection of user selectable media items through a messaging program interface which may be used to create a message containing a user selected media item, wherein the media item comprises user perceptible content and content specific information (Figure 22; paragraphs 0082-0084);

providing computer code to allow communication between the rich media item and the messaging program so that the messaging program and said rich media item can inter-operate, and so that when the message is communicated to an intended

recipient, said message is communicated with said media item to said intended recipient so as to enable perception of said content and access to said media item by said intended recipient so that said intended recipient can interact with said media item and utilize said content specific information (Figures 22; paragraphs 0082-0084: Here, a user enters a key-code which selects an emoticon or sound (media items) to be played. These media items are communicated along via a message to a recipient through an instant messaging environment. The recipient receives the media items and the items are displayed to the user, thereby making them perceivable to the recipient).

Werndorfer fails to specifically disclose that the media items are rich media items. However, the use of rich media items in an internet environment, such as instant messaging environments, was notoriously well known in the art at the time of the applicant's invention as providing animation, interactivity, and special effects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known with Werndorfer, since it would have allowed for instant messages to contain animation, interactivity, and special effects.

As per dependent claim 4, Werndorfer discloses the method further comprising the step of providing an interface through which a user may log in to a messaging service (paragraph 0013).

As per dependent claim 5, Werndorfer discloses the method further comprising tracking a selected selection of media items by a user, and wherein said selection is saved so that the selection is available to said user regardless of the computer from

which said user accesses said messaging service (paragraph 0007: Here, the selected media is transmitted to a logged on user regardless of the computer the user is logged on through).

As per dependent claim 6, Werndorfer fails to specifically disclose automatically logging in a user into a messaging service upon initiation of said messaging program. However, the examiner takes official notice that instant messaging services such as AIM provided by AOL provided automatic log-in upon initiation of the messaging program, thereby allowing a user to save time by skipping the steps of entering a user name and password. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the notoriously well known with Werndorfer, since it would have allowed a user to save time by skipping the steps of entering log-in information.

As per dependent claim 7, the applicant discloses the limitations substantially similar to those in claim 5. Claim 7 is similarly rejected.

As per dependent claim 8, Werndorfer further discloses wherein the media item is assigned an identification tag, and wherein a created message contains a media item identification tag, the media item being accessible from a server using the media item identification tag (paragraphs 0082-0084: Here, the media item identification tag is the character sequence used to access the media item).

As per dependent claim 9, Werndorfer further discloses wherein the media item is implemented as a flash vector animation file with sound embedded as an MP3 file (paragraphs 0082-0084).

As per dependent claim 10, Werndorfer discloses wherein said selection of user selectable media items may be modified by a content provider by adding a new or a recommended media item and removing expiring media items (paragraph 0087: Here, the media item is modified by adding a new sound item to be associated with the selectable media item).

As per dependent claim 12, Werndorfer discloses wherein an object is displayed proximate to at least some portion of the media item to indicate to a user that the media item is newly added to said selection (Figure 24; paragraph 0087: Here, the sound file associated with the media item is displayed proximate to the media item).

As per dependent claim 13, Werndorfer fails to specifically disclose the use of JavaScript. However, the examiner takes official notice that JavaScript was notoriously well known in the art at the time of the applicant's invention as providing web-based script capabilities. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have created the user interface utilizing JavaScript, providing the user a web-based user interface for customization of media data.

As per dependent claim 14, Werndorfer fails to specifically disclose wherein the media playback can be selectively stopped, and a new media item playback selectively started. However, the examiner takes official notice that selective stopping and starting of media playback was notoriously well known in the art at the time of the applicant's invention and utilized in Windows® Media Player® and Quicktime® to allow a user to selectively play media items. It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined the well known with Werndorfer, since it would have allowed a user to control playback of media items.

As per dependent claim 15, Werndorfer further discloses providing a rich media interface through which said user can modify said selection of user selectable rich media items (paragraph 0087: Here, a user can create and modify emoticons in order to generate his/her own set of media items).

As per dependent claim 16, Werndorfer discloses wherein the media interface comprises a plurality of media item selections, received from a content provider, from which a user can select addition media items (paragraph 0087).

As per dependent claim 17, Werndorfer discloses wherein said media interface is a dialog comprising a plurality of media item selection, a current media item selection, an add media item function, a remove media item function, and a reorder media item function (paragraph 0087: Here, a user can create new selection, modify selections, or associate selections with different key sequences).

As per dependent claim 19, Werndorfer discloses fails to specifically disclose wherein the plurality of media item selections comprises a recently used media item selection. However, it was notoriously well known in the art at the time of the applicant's invention that media players such as Microsoft® Media Player® and Quicktime® provided a playlist, the playlist indicating previously played media and media to be played in the future. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known with Werndorfer, thereby allowing a user to view previous and subsequent media to be played.

As per dependent claim 20, Werndorfer discloses wherein a user can disable said media item is a messaging program (paragraph 0087).

As per dependent claim 22, Werndorfer discloses wherein the messaging program comprises an instant messaging program (paragraph 0007).

As per dependent claim 23, Werndorfer fails to specifically disclose wherein the messaging program comprises an email program. However, the examiner takes official notice that email clients such as Microsoft(r) Outlook(r) were notoriously well known in the art at the time of the applicant's invention for delivering message content to recipients. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of Werndorfer to the well known in order to deliver media content via email to a recipient.

As per dependent claim 24, Werndorfer discloses wherein the messaging program comprises a chat program (paragraph 0007: Here, instant messaging is a chat program).

As per dependent claim 25, Werndorfer fails to specifically disclose wherein the messaging program comprises an email program. However, the examiner takes official notice that message board clients were notoriously well known in the art at the time of the applicant's invention for delivering message content to a plurality of recipients. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of Werndorfer to the well known in order to deliver media content via a message board to a plurality of recipients.

As per dependent claim 26, Werndorfer discloses wherein the media item is an animation having associated sound data (paragraphs 0082-0084 and 0087).

Werndorfer fails to disclose wherein the animation and sound relate to a movie.

However, the examiner takes official notice that animations and sounds related to movies were notoriously well known in the art at the time of the applicant's invention.

Further, one of ordinary skill in the art at the time of the applicant's invention would have been capable of customizing an animation and sound to relate to a movie using Werndorfer's interface (paragraph 0087). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to customize an instant messaging environment to include media relating to a movie, since it would have allowed a user to tailor the messaging environment to his/her tastes.

As per dependent claim 27, Werndorfer discloses wherein the media item is an animation having associated sound data (paragraphs 0082-0084 and 0087).

Werndorfer fails to disclose wherein the animation is a movie clip and sound relate to a movie. However, the examiner takes official notice that movie clips and sounds related to movies were notoriously well known in the art and readily available to users at the time of the applicant's invention. Further, one of ordinary skill in the art at the time of the applicant's invention would have been capable of customizing an animation and sound to relate to a movie using Werndorfer's interface (paragraph 0087). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to customize an instant messaging environment to include media relating to a

movie, since it would have allowed a user to tailor the messaging environment to his/her tastes.

As per dependent claim 28, Werndorfer discloses wherein the media item is an animation having associated sound data (paragraphs 0082-0084 and 0087).

Werndorfer fails to disclose wherein the animation is related to a musical album and sound is an audio clip from the album. However, the examiner takes official notice that album art and sounds related to the album were notoriously well known in the art and readily available to users at the time of the applicant's invention. Further, one of ordinary skill in the art at the time of the applicant's invention would have been capable of customizing an animation and sound to relate to an album using Werndorfer's interface (paragraph 0087). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to customize an instant messaging environment to include media relating to an album, since it would have allowed a user to tailor the messaging environment to his/her tastes.

As per dependent claim 29, Werndorfer discloses wherein said messaging program comprises a feature for loading environments that enhance a messaging program interface (paragraphs 0082-0084 and 0087: Here, upon a user log-in, the instant message environment is loaded. Included in this environment is the use of emoticons that enhance the program interface).

As per dependent claim 30, Werndorfer discloses wherein the media item interacts with the loaded environment (paragraphs 0082-0084).

As per dependent claim 31, Werndorfer discloses wherein the content specific information comprises at least one of the following two items of information:

- (i) a rich media caption; and
- (ii) a context menu item comprising one or more of the following: (a) a display string, (b) a resource identifier, and (c) a command (paragraphs 0082-0084: Here, the alphanumeric command is interpreted and a media item is displayed).

As per dependent claim 32, Werndorfer further discloses organizing a plurality of media items into sets identified by a set identifier and organizing said sets into categories identified by a category identifier (paragraph 0087: Here, sounds and emoticons are separated by categories).

As per dependent claim 40, Werndorfer further discloses wherein said computer code controls said messaging program and utilizes said content specific information to display a context menu (paragraph 0087: Here, a menu allowing a user to modify emoticons and sounds is displayed).

As per dependent claim 41, Werndorfer further discloses wherein the messaging program and/or said computer code can selectively populate said context menu with different context menu items (paragraph 0087).

As per dependent claim 44, Werndorfer discloses wherein said resource identifier comprises at least one of the following two items:

- (i) a universal resource identifier representing the location of data related to the user perceptible content of the media item (paragraph 0007: Here, a URL can be used to transmit a web page)

(ii) a messaging program resource identifier representing enhanced features of the messaging program that are related to the user perceptible content on an item of media (paragraphs 0082-0084: Here, the alphanumeric sequence which is substituted for an emoticon is a resource identifier)

As per dependent claims 45 and 46, the applicant discloses the limitations substantially similar to those in claim 44(i) and 44(ii), respectively. Claims 45 and 46 are therefore similarly rejected.

As per dependent claim 47, Werndorfer discloses wherein said command comprises at least one of the following seven commands:

(i) open a new browser window and load data located at a resource identifier (paragraph 0007);

(ii) load another messaging program feature (paragraph 00087);

(iii) replay rich media items;

(iv) add media items to a user selection of media items (paragraph 0087: Here, sound is added to a selected emoticon);

(v) display a media interface wherein a user is presented with a plurality of media items that comprise media items that are similar to a selected media item so that a user can add similar media items to their selection (paragraph 0087);

(vi) mute rich media items, wherein when the messaging program receives a rich media item, the messaging program displays a description of the user perceptible content proximate to the rich media item; and

(vii) mute rich media items, wherein when the messaging program receives a rich media item, the messaging program displays a textual transcription of words to be audibly perceived as part of the user perceptible content proximate to the rich media item.

As per dependent claims 48, 49, 54, and 55, the applicant discloses the limitations substantially similar to those in claim 47(i), 47(ii), 47(iv), and 47(v), respectively. Claims 48, 49, 54, and 55 are therefore similarly rejected.

As per dependent claim 50, Werndorfer discloses wherein the another messaging program feature comprises an enhanced instant messaging environment (paragraph 0007).

As per dependent claim 51, Werndorfer discloses wherein the enhanced instant messaging environment content is related to the user perceptible content of the media item (paragraphs 0082-0084).

As per dependent claim 52, Werndorfer discloses wherein the media item interacts with the loaded environment (paragraphs 0082-0084).

As per dependent claim 53, Werndorfer fails to specifically disclose wherein a command comprises a command to replay a media item. However, the examiner takes official notice that playback systems such as Windows® Media Player® and Quicktime® provided a repeat command, causing a media item to be replayed, were notoriously well known in the art at the time of the applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined

the well known with Werndorfer, since it would have allowed a user to repeat desired media items.

As per dependent claim 66, the applicant discloses the limitations substantially similar to those in claim 31(ii). Claim 66 is therefore similarly rejected.

As per dependent claim 67, the applicant discloses the limitations substantially similar to those in claim 40. Claim 67 is therefore similarly rejected.

As per dependent claim 68, the applicant discloses the limitations substantially similar to those in claim 41. Claim 68 is therefore similarly rejected.

As per dependent claims 71-79, the applicant discloses the limitations substantially similar to those in claims 44-52, respectively. Claims 71-79 are therefore similarly rejected.

As per dependent claims 80-82, the applicant discloses the limitations substantially similar to those in claims 53-55, respectively. Claims 80-82 are therefore similarly rejected.

As per independent claim 103, the applicant discloses the limitations substantially similar to those in claim 1. Claim 103 is therefore similarly rejected.

As per independent claim 113, the applicant discloses the limitations substantially similar to those in claim 1. Werndorfer further discloses use of a server for communicating with a messaging program (paragraphs 0009-0014). Therefore, claim 113 is similarly rejected.

As per dependent claim 114, Werndorfer discloses wherein the server provides one or more of the following four operations:

- (i) offering said messaging program to Internet users (paragraphs 0009-0014);
- (ii) operating a messaging service for users of said messaging program;
- (iii) storing messaging service user program preferences; and
- (iv) storing said rich media for access by said messaging service users.

As per dependent claim 115, Werndorfer fails to specifically disclose wherein the server operations further comprise:

- (v) offering an interface for marketing partners through which new rich media may be added items into the messaging service;
- (vi) offering an interface for marketing partners to modify rich media items already added to the messaging service.

However, the examiner takes official notice that at the time of the applicant's invention, instant message programs such as AIM offered by AOL provided marketing content in the form of banner adds, offered by marketing partners, thereby providing revenue through the sale of ad space. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known with Werndorfer, since it would have allowed a provider of instant messaging software to raise revenue by selling ad space to marketing partners.

As per dependent claim 116, Werndorfer discloses wherein the system operations further comprises storing instant message environments (paragraph 0087: Here, the environment created by the user is stored).

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Kornelson et al. (US 7024431, filed 5 May 2003, hereafter Kornelson).

As per dependent claim 2, Werndorfer discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose collection of statistics related to user usage of media items. However, Kornelson discloses collection of statistics related to user usage of media items (column 6, line 54- column 7, line 8). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Kornelson with Werndorfer, since it would have allowed a user to monitor his/her usage of media data.

As per dependent claim 3, Werndorfer discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose collection of statistics related to user usage of a messaging program. However, Kornelson discloses collection of statistics related to user usage of a messaging program (column 6, line 54- column 7, line 8). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Kornelson with Werndorfer, since it would have allowed a user to monitor time and activity during a messaging session.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Cheng et al. (US 2005/0160167, filed 15 January 2004, hereafter Cheng).

As per dependent claim 11, Werndorfer discloses the limitations similar to those in claim 10, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose use of a feed for obtaining data items. However, Cheng discloses a feed for providing content data items (claim 26). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Cheng with Werndorfer, since it would have allowed a user to transmit data items from a feed via a messaging program.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Borthwick (US 2003/0236836, filed 20 March 2003).

As per dependent claim 18, Werndorfer discloses the limitations similar to those in claim 15, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the interface is a menu, which can comprise submenus. However, Borthwick discloses wherein the interface is a menu, which can comprise submenus (paragraph 0030). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Borthwick with Werndorfer, thereby providing a user a plurality of submenus for specifying animations and audio data.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Vdaygiri et al. (US 2005/0188016, filed 25 November 2003, hereafter Vdaygiri).

As per dependent claim 21, Werndorfer discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the message is communicated to a plurality of recipients. However, Vdaygiri discloses an instant messaging environment allowing for instant messages to be communicated to a plurality of other users (paragraph 0055). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Vdaygiri and Werndorfer, since it would have allowed a user to communicate with a plurality of users simultaneously.

12. Claims 33-39, 56-65, and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Huntsman (US 2003/0192044, filed 4 April 2002).

As per dependent claim 33, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the media contains a caption. However, Huntsman discloses the use of close captioning of media (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 34, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the caption comprises a description of the user perceptible

content. However, Huntsman discloses wherein the caption comprises a description of the user perceptible content (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 35, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content. However, Huntsman discloses wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 36, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose computer code obtaining media caption from the content specific information. However, Huntsman computer code obtaining media caption from the content specific information (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 37, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein said message further comprises the media caption as text. However, Huntsman discloses wherein said message further comprises the media caption as text (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 38, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer discloses obtaining media data from a remote source (paragraph 0007). However, Werndorfer fails to specifically disclose obtaining caption data. However, Huntsman discloses obtaining caption data (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 39, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content. However, Huntsman discloses wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content (paragraph 0003). It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claim 56, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content. However, Huntsman discloses wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

Further, Werndorfer fails to specifically disclose the use of a mute command. However, the examiner takes official notice that Windows® Media Player® and Quicktime® provided a mute command for muting media. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known with Werndorfer and Huntsman, thereby allowing for the muting of items and the display of related text.

As per dependent claim 57, Werndorfer discloses the limitations similar to those in claim 31, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content. However, Huntsman

discloses wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

Further, Werndorfer fails to specifically disclose the use of a mute command. However, the examiner takes official notice that Windows® Media Player® and Quicktime® provided a mute command for muting media. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined the well known with Werndorfer and Huntsman, thereby allowing for the muting of items and the display of related text.

As per dependent claim 58, Werndorfer discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose caption data of a media item. However, Huntsman discloses wherein the caption comprises a textual transcription of words to be audibly perceived as part of the user perceptible content (paragraph 0003). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Huntsman with Werndorfer, since it would have allowed a user to view audio data related to a media item.

As per dependent claims 59-65, the applicant discloses the limitations substantially similar to those in claims 33-39, respectively. Claims 59-65 are similarly rejected.

As per dependent claims 83-84, the applicant discloses the limitations substantially similar to those in claims 56-57, respectively. Claims 83-84 are similarly rejected.

13. Claims 42 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werndorfer and further in view of Debaty (US 2004/0019653, filed 27 July 2002).

As per dependent claim 42, Werndorfer discloses the limitations similar to those in claim 40, and the same rejection is incorporated herein. Werndorfer fails to specifically disclose wherein different context menu items are displayed depending on the location of the media item. However, Debaty discloses wherein different context menu items are displayed depending on the location of the media item (paragraphs 0033-0035). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Debaty with Werndorfer, since it would have allowed a user to obtain context relevant menu options.

As per dependent claim 69, the applicant discloses the limitations substantially similar to those in claim 42. Claim 69 is similarly rejected.

Allowable Subject Matter

14. Claims 43 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kyle R Stork/

Kyle R Stork
Primary Examiner
Art Unit 2178

krs